

by the Secretary for submitting an application under section 7424 of this title; and

(2) determine that each such child was enrolled, and receiving a free public education, in a school of the agency on that date or during that period, as the case may be.

(Pub. L. 89–10, title VI, §6117, formerly title VII, §7117, as added Pub. L. 107–110, title VII, §701, Jan. 8, 2002, 115 Stat. 1916; renumbered title VI, §6117, and amended Pub. L. 114–95, title VI, §§6001(a), (b)(1), (7), 6002(i), Dec. 10, 2015, 129 Stat. 2046, 2047, 2053.)

Editorial Notes

REFERENCES IN TEXT

The Indian Elementary and Secondary School Assistance Act, referred to in subsec. (e)(1)(B), is title III of act Sept. 30, 1950, ch. 1124, as added by Pub. L. 92–318, title IV, §411(a), June 23, 1972, 86 Stat. 335, which was classified generally to subchapter III (§241aa et seq.) of chapter 13 of this title, prior to repeal by Pub. L. 100–297, title V, §5352(1), Apr. 28, 1988, 102 Stat. 414.

PRIOR PROVISIONS

A prior section 7427, Pub. L. 89–10, title VII, §7117, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3727, related to intensified instruction for limited English proficient students, prior to the general amendment of former subchapter VII of this chapter by Pub. L. 107–110.

AMENDMENTS

2015—Subsec. (a). Pub. L. 114–95, §6002(i)(1), inserted at end “All individual data collected shall be protected by the local educational agencies and only aggregated data shall be reported to the Secretary.”

Subsec. (b)(1)(A)(i). Pub. L. 114–95, §6001(b)(7)(A), made technical amendment to reference in original act which appears in text as reference to section 7491 of this title.

Subsec. (c). Pub. L. 114–95, §6001(b)(7)(B), made technical amendment to reference in original act which appears in text as reference to section 7491 of this title.

Subsec. (d). Pub. L. 114–95, §6002(i)(4), added subsec. (d) and struck out former subsec. (d). Prior to amendment, text read as follows: “For purposes of determining whether a child is eligible to be counted for the purpose of computing the amount of a grant award under section 7423 of this title, the membership of the child, or any parent or grandparent of the child, in a tribe or band of Indians (as so defined) may be established by proof other than an enrollment number, notwithstanding the availability of an enrollment number for a member of such tribe or band. Nothing in subsection (b) of this section shall be construed to require the furnishing of an enrollment number.”

Pub. L. 114–95, §6002(i)(2), (3), redesignated subsec. (e) as (d) and struck out former subsec. (d) which related to forms and standards of proof.

Subsec. (e). Pub. L. 114–95, §6002(i)(3), redesignated subsec. (f) as (e). Former subsec. (e) redesignated (d).

Subsec. (f). Pub. L. 114–95, §6002(i)(5), which directed substitution of “Bureau of Indian Education” for “Bureau of Indian Affairs” in subsec. (f) as redesignated by section 6002(i)(4) of Pub. L. 114–95, was executed by making the substitution in introductory provisions of subsec. (f) as redesignated by section 6002(i)(3) of Pub. L. 114–95, to reflect the probable intent of Congress.

Pub. L. 114–95, §6002(i)(3), redesignated subsec. (g) as (f). Former subsec. (f) redesignated (e).

Subsec. (f)(3). Pub. L. 114–95, §6001(b)(7)(C), made technical amendment to reference in original act which appears in text as reference to section 7423 of this title.

Subsec. (g). Pub. L. 114–95, §6002(i)(6), which directed substitution of “subsection (f)(1)” for “subsection (g)(1)” in subsec. (g) as redesignated by section

6002(i)(4) of Pub. L. 114–95, was executed by making the substitution in introductory provisions of subsec. (g) as redesignated by section 6002(i)(3) of Pub. L. 114–95, to reflect the probable intent of Congress.

Pub. L. 114–95, §6002(i)(3), redesignated subsec. (h) as (g). Former subsec. (g) redesignated (f).

Subsec. (h). Pub. L. 114–95, §6002(i)(3), redesignated subsec. (h) as (g).

Subsec. (h)(1). Pub. L. 114–95, §6001(b)(7)(D), made technical amendment to reference in original act which appears in text as reference to section 7424 of this title.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

§ 7428. Payments

(a) In general

Subject to subsections (b) and (c), the Secretary shall pay to each local educational agency that submits an application that is approved by the Secretary under this subpart the amount determined under section 7423 of this title. The Secretary shall notify the local educational agency of the amount of the payment not later than June 1 of the year for which the Secretary makes the payment.

(b) Payments taken into account by the State

The Secretary may not make a grant under this subpart to a local educational agency for a fiscal year if, for such fiscal year, the State in which the local educational agency is located takes into consideration payments made under this chapter¹ in determining the eligibility of the local educational agency for State aid, or the amount of the State aid, with respect to the free public education of children during such fiscal year or the preceding fiscal year.

(c) Reduction of payment for failure to maintain fiscal effort

Each local educational agency shall maintain fiscal effort in accordance with section 7901 of this title or be subject to reduced payments under this subpart in accordance with such section 7901 of this title.

(d) Reallocations

The Secretary may reallocate, in a manner that the Secretary determines will best carry out the purpose of this subpart, any amounts that—

(1) based on estimates made by local educational agencies or other information, the Secretary determines will not be needed by such agencies to carry out approved programs under this subpart; or

(2) otherwise become available for reallocation under this subpart.

(Pub. L. 89–10, title VI, §6118, formerly title VII, §7118, as added Pub. L. 107–110, title VII, §701, Jan. 8, 2002, 115 Stat. 1918; renumbered title VI, §6118, and amended Pub. L. 114–95, title VI, §§6001(a), (b)(1), (8), 6002(j), Dec. 10, 2015, 129 Stat. 2046, 2047, 2054.)

¹ So in original. Probably should be “this subpart”.

Editorial Notes**PRIOR PROVISIONS**

A prior section 7428, Pub. L. 89-10, title VII, §7118, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3727, related to capacity building, prior to the general amendment of former subchapter VII of this chapter by Pub. L. 107-110.

AMENDMENTS

2015—Subsec. (a). Pub. L. 114-95, §6001(b)(8), made technical amendment to reference in original act which appears in text as reference to section 7423 of this title.

Subsec. (c). Pub. L. 114-95, §6002(j), added subsec. (c) and struck out former subsec. (c) which related to reduction of payment for failure to maintain fiscal effort with possibility of temporary waiver.

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE OF 2015 AMENDMENT**

Amendment by Pub. L. 114-95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114-95, set out as a note under section 6301 of this title.

§ 7429. State educational agency review

Before submitting an application to the Secretary under section 7424 of this title, a local educational agency shall submit the application to the State educational agency, which may comment on such application. If the State educational agency comments on the application, the agency shall comment on all applications submitted by local educational agencies in the State and shall provide those comments to the respective local educational agencies, with an opportunity to respond.

(Pub. L. 89-10, title VI, §6119, formerly title VII, §7119, as added Pub. L. 107-110, title VII, §701, Jan. 8, 2002, 115 Stat. 1919; renumbered title VI, §6119, and amended Pub. L. 114-95, title VI, §6001(a), (b)(1), (9), Dec. 10, 2015, 129 Stat. 2046, 2047.)

Editorial Notes**PRIOR PROVISIONS**

A prior section 7429, Pub. L. 89-10, title VII, §7119, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3727, authorized subgrants, prior to the general amendment of former subchapter VII of this chapter by Pub. L. 107-110.

Prior sections 7430 to 7434 were omitted in the general amendment of former subchapter VII of this chapter by Pub. L. 107-110.

Section 7430, Pub. L. 89-10, title VII, §7120, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3727, related to priority on funding of programs for limited English proficient students.

Section 7431, Pub. L. 89-10, title VII, §7121, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3728, related to coordination with other programs.

Section 7432, Pub. L. 89-10, title VII, §7122, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3728, related to programs for Native Americans and Puerto Rico.

Section 7433, Pub. L. 89-10, title VII, §7123, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3728, related to evaluations.

Section 7434, Pub. L. 89-10, title VII, §7124, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3728, related to construction of provisions.

AMENDMENTS

2015—Pub. L. 114-95, §6001(b)(9), made technical amendment to reference in original act which appears in text as reference to section 7424 of this title.

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE OF 2015 AMENDMENT**

Amendment by Pub. L. 114-95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114-95, set out as a note under section 6301 of this title.

SUBPART 2—SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN**§ 7441. Improvement of educational opportunities for Indian children and youth****(a) Purpose****(1) In general**

It is the purpose of this section to support projects to develop, test, and demonstrate the effectiveness of services and programs to improve educational opportunities and achievement of Indian children and youth.

(2) Coordination

The Secretary shall take the necessary actions to achieve the coordination of activities assisted under this subpart with—

(A) other programs funded under this chapter; and

(B) other Federal programs operated for the benefit of Indian children and youth.

(b) Eligible entities

In this section, the term “eligible entity” means a State educational agency, local educational agency, Indian tribe, Indian organization, federally supported elementary school or secondary school for Indian students, a Tribal College or University (as defined in section 1059c(b) of this title), or a consortium of such entities.

(c) Grants authorized

The Secretary shall award grants to eligible entities to enable such entities to carry out activities that meet the purpose of this section, including—

(1) innovative programs related to the educational needs of educationally disadvantaged Indian children and youth;

(2) educational services that are not available to such children and youth in sufficient quantity or quality, including remedial instruction, to raise the achievement of Indian children in one or more of the subjects of English, mathematics, science, foreign languages, art, history, and geography;

(3) bilingual and bicultural programs and projects;

(4) special health and nutrition services, and other related activities, that address the special health, social, and psychological problems of Indian children and youth;

(5) special compensatory and other programs and projects designed to assist and encourage Indian children and youth to enter, remain in, or reenter school, and to increase the rate of